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December 10, 2015

Via ECF

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Joseph Hunter, 13 Cr. 0521 (LTS)

Your Honor:

We write to respectfully request an adjournment of Mr. Hunter's sentencing, which is currently scheduled for Wednesday December 16, 2015.

This morning, at 12:02 am, the Government filed its sentencing submission. Particularly relevant to the instant request is the Government's argument that Dr. Neil Blumberg's diagnosis of Mr. Hunter as having Post Traumatic Stress Disorder ("PTSD") is "unreliable" because Mr. Hunter withheld information from Dr. Blumberg. ECF # 230, p. 22.

As an initial matter, the information withheld (as described in Mr. Hunter's *redacted* sentencing memorandum, yet discussed in the Government's publically filed submission), would not, in defense counsel's opinion, alter Dr. Blumberg's diagnoses and conclusions. However, in light of the Government's position, defense counsel would like Mr. Hunter to be reexamined by Dr. Blumberg, during which Mr. Hunter can disclose the previously withheld information. Counsel has spoken to Dr. Blumberg and he is available to meet with Mr. Hunter in early January 2016, and can provide an updated report in mid-January 2016.

Mr. Hunter's diagnosis of PTSD is extremely relevant, and the type of information this Court is permitted to consider in determining the appropriate sentence. See, e.g., United States v. Jones, 531 F.3d 163, 170 (2d Cir. 2008) (district court must make an "individualized assessment" of the sentencing warranted by § 3553(a) "based on the facts presented").

In order for the Court to have a complete and accurate picture of all of the information relevant to the sentencing of Mr. Hunter, we respectfully request an adjournment of the sentencing.

Respectfully submitted,

/s/
Marlon G. Kirton
Diane Ferrone

cc: AUSA Michael Lockard, Emil Bove and Anna Skotko (via ECF)